

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

JOHN ABDO, JR.,)
v.)
Plaintiff,)
Case No. CIV-23-00718-JD
GRADY COUNTY JAIL and)
FOOD SERVICES AND TIGER)
COMMISSARY,)
Defendants.)

ORDER

Plaintiff filed this prisoner civil rights action on August 14, 2023. [Doc. No. 1].

The Court referred this action to United States Magistrate Judge Amanda Maxfield Green under 28 U.S.C. § 636. [Doc. No. 3].

On August 18, 2023, Judge Green issued an Order to Plaintiff to Cure Deficiencies. [Doc. No. 4]. The Court's order required Plaintiff to pay the filing fee or submit an *in forma pauperis* motion and to file his complaint on the proper form or provide the Court with the information required by the form and necessary to screen the complaint. *Id.* at 1. The order set a deadline of September 8, 2023, for Plaintiff to cure the deficiencies. *Id.* at 2. Judge Green warned Plaintiff that his failure to comply with the order may result in the dismissal of the action.

When Plaintiff failed to comply with the order of August 18, 2023, Judge Green issued a Report and Recommendation on September 11, 2023, recommending that the Court dismiss Plaintiff's action without prejudice for his failure to comply with the

Court's order. [Doc. No. 7]. Judge Green advised Plaintiff of his right to object to the Report and Recommendation by October 2, 2023, and explained that his failure to timely object to the Report and Recommendation would waive appellate review of the factual and legal issues contained in the Report and Recommendation. *Id.* at 3. To date, Plaintiff has not filed an objection to the Report and Recommendation, or otherwise made any effort to prosecute this action.¹

With no objection being filed, and concurring with Judge Green's findings and recommendations, the Court ACCEPTS the Report and Recommendation [Doc. No. 7]. For the reasons stated in the Report and Recommendation, the Court DISMISSES Plaintiff's action without prejudice. A separate judgment will follow.

IT IS SO ORDERED this 5th day of October 2023.



JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE

¹ The Court's record reflects that the Court's order of August 18, 2023, and the Report and Recommendation of September 11, 2023, were mailed to Plaintiff at his provided address and returned to the Court as undeliverable. *See* [Doc. Nos. 6, 8]. However, Plaintiff is responsible for notifying the Court of any change of address, and “[p]apers sent by the court will be deemed delivered if sent to the last known address given to the court.” LCvR5.4; *see* Fed. R. Civ. P. 5(b)(2)(C); *see also Theede v. U.S. Dep’t of Labor*, 172 F.3d 1262, 1267 (10th Cir. 1999) (“The parties are far better situated to know of any errors in their address information, thus, they bear the burden of filing notice of a change of address The fact [the plaintiff] is acting pro se does not eliminate this burden.”).